

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BCBSM, INC., d/b/a BLUE CROSS and
BLUE SHIELD OF MINNESOTA, on
behalf of itself and those similarly situated,

Plaintiff,

v.

VYERA PHARMACEUTICALS, LLC,
PHOENIXUS AG, MARTIN SHKRELI,
and KEVIN MULLEADY,

Defendants.

Case No. 1:21-cv-1884-DLC

**PLAINTIFF’S NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT; CERTIFICATION OF SETTLEMENT CLASS;
APPROVAL OF NOTICE PLAN; APPROVAL OF PLAN OF ALLOCATION; AND
ENTRY OF SETTLEMENT APPROVAL SCHEDULE AND RELATED PROCEDURES**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Plaintiff BCBSM, Inc. (“Plaintiff”) will move this Court before the Honorable Denise Cote, United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1910, New York, NY 1007, on a date set by the Court, for an order:

1. Preliminarily approving the proposed class Settlement between Plaintiff and Defendants Vyera Pharmaceuticals, LLC, Phoenixus AG, Martin Shkreli, and Kevin Mulleady;
2. Certifying the proposed Settlement Class for purposes of the Settlement;
3. Appointing Kellie Lerner and Benjamin Steinberg from Robins Kaplan LLP as counsel for the Settlement Class;
4. Appointing Plaintiff as representative for the Settlement Class;
5. Approving Plaintiff’s proposed Notice Plan;

6. Entering Plaintiff's proposed Settlement Approval Schedule;
7. Approving Plaintiff's proposed Plan of Allocation;
8. Appointing A.B. Data, Ltd. as the Notice Provider and Claims Administrator; and
9. Appointing Huntington National Bank as the Escrow Agent.

This Motion is unopposed. In support of this Motion, Plaintiff relies on the accompanying Memorandum of Law, the Declarations of Benjamin D. Steinberg and Eric J. Miller, and the exhibits attached thereto. Plaintiff has submitted a proposed order with this Motion.

Respectfully submitted,

January 28, 2022

By: /s/ Benjamin Steinberg

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*Counsel for Plaintiff BCBSM, Inc., d/b/a
Blue Cross and Blue Shield of Minnesota, and
the Proposed Classes*

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Southern District of New York using the CM/ECF system and served a copy of same upon all counsel of record via the Court's electronic filing system.

/s/ Benjamin Steinberg
Benjamin Steinberg